

Detailed Minutes - Final

City Commission

Lamar Fisher, Mayor

Charlotte J. Burrie, Vice Mayor

Rex Hardin, Commissioner

Barry Moss, Commissioner

Beverly Perkins, Commissioner

Michael Sobel, Commissioner

Gregory P. Harrison, City Manager

Mark Berman, City Attorney

Asceleta Hammond, City Clerk

Tuesday, March 28, 2017

6:00 PM

Commission Chambers

City Commission Meeting

CALL TO ORDER

The Honorable Lamar Fisher called the meeting to order at 6:00 p.m.

ROLL CALL

Present: Commissioner Rex Hardin
Commissioner Barry Moss
Commissioner Beverly Perkins
Commissioner Michael Sobel
Vice Mayor Charlotte Burrie
Mayor Lamar Fisher

INVOCATION

Pastor Brad Jones of the City Church Pompano Beach offered the invocation.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

[17-320](#) Regular City Commission Meeting Minutes of March 14, 2017

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried unanimously.

[17-325](#) Special City Commission Meeting Minutes of November 21, 2016

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried unanimously.

[17-327](#) City Commission Workshop Minutes of January 21, 2011

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Minutes be APPROVED. The motion carried unanimously.

APPROVAL OF AGENDA

Mayor Fisher stated that items 3, 18, 19 and 20 would be stricken from the agenda. Item 19 would be pulled from the table and then stricken.

A motion was made that the Agenda be APPROVED AS AMENDED. The motion carried unanimously.

CONSENT AGENDA DISCUSSION

Mayor Fisher stated that items 1 and 8 would be pulled from Consent Agenda for discussion.

The Commission may pull items from the Consent Agenda. During Audience to be Heard, a person may speak on any item on the Consent Agenda, which has not been pulled.

A. SPECIAL RECOGNITION

[17-321](#) Capital Group Developments To Be Recognized

Mayor Lamar Fisher recognized Mario Caprini, President and CEO of Capital Group Developments, regarding a home being built on a lot designated for affordable housing. Capital Group built the “Modernista” home located at 4620 NE 18th Avenue using the latest in green building technology. It is one of seven homes Capital Group is building in Pompano Beach as part of a city program to revitalize neighborhoods and promote affordable housing.

Mayor Lamar Fisher recognized Mario Caprini, President and CEO of Capital Group Developments, regarding a home being built on a lot designated for affordable housing.

The Special Presentation was READ AND PRESENTED INTO THE RECORD.

B. PROCLAMATIONS**17-312** Pompano Beach Firefighter Appreciation Month

Mayor Lamar Fisher along with Jeaneece Washington, Fundraising Coordinator for MDA, recognized the Pompano Beach Firefighters for their efforts on behalf of the Muscular Dystrophy Association. Accepting a proclamation on behalf of the firefighters were Paramedic-Firefighter Mike Cleveland, Fire Captain Jason Leutzinger, Fire Chief John Jurgle, Assistant Fire Chief Michael Hohl, and Training Commander and Fire Union President Ted Martin.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

17-318 Saint Gabriel Catholic Church Day

Mayor Lamar Fisher recognized Saint Gabriel Catholic Church on their 50th anniversary. Joanne Kralich accepted a proclamation on behalf of the church.

The Proclamation was READ AND PRESENTED INTO THE RECORD.

C. AUDIENCE TO BE HEARD

Mayor Fisher announced that it was time for “Audience To Be Heard” and offered the following guidelines: Once your name is called, please come forward to the podium in front of the commission, state your name and address for the record. Speakers will be limited to three minutes to speak on any item of concern or interest, including those items pulled from the Consent Agenda. In addition, he asked speakers not to speak on any items on tonight’s agenda, as they will have that opportunity to do so when that item comes forward. Lastly, he requested that speakers refrain from any emotional outbursts in either support or non-support of the speaker’s comments. All persons interested in speaking during “Audience To Be Heard” must fill out a request form and turn it in to the City Clerk prior to the meeting. A request form is located on the last page of the agenda program.

The following persons were called to speak:

Alterations without Permits/Code Violations – Robert Holmes, President, Sanders Park Civic Association, 1577 NW 7th Avenue, Pompano Beach, FL, expressed concerns regarding alterations without permits and other code violations within the community. He indicated that in February, he observed a house located at 1577 NW 6th Avenue was being altered and during the evenings and weekends, work was being done. On notification to the Code Compliance department, the property was checked on March 2, 2017. He was informed that the property was inspected and referred to the building department for inspection due to the extent of the exterior alterations of the building, and what appears to be interior renovations at the site, which did not have any permits on file.

Mr. Holmes cited several other issues that were reported to the City with the same type of problems as previously mentioned:

- In 2012, the same type issue existed at 109 NW 14th Street – Code Compliance informed the Building Department was notified. However, to date there is a full licensed liquor store.
- Reported property located at 301 NW 16th Street with the same problem and were told the Building Department had been notified, but to date there is a fully developed rooming house.
- There are some other code issues at 1582 NW 3rd Way and 1555 NW 6th Avenue, which were reported several years ago, and after three years of complaining about several issues for this property these issues are not resolved to the residents' satisfaction
- Finally, property located at 140 NW 16th Street, the problem was resolved.

Mayor Fisher indicated that City Manager Harrison need to get Code involved and provide the City Commission with a report on each property, as to why they are there and the permits and so forth to provide understanding.

Comr. Perkins indicated some of the homes particularly the one on 3rd Way, are in the Sanders Park area. These issues were brought to the Building Department's attention in 2012, as well as to the Commission's. However, the problem being experienced is that the Building Department is not following through on some of the homes that are having these issues in the Sanders Park neighborhood. Therefore, Comr. Perkins requested that the City Manager work with the residents to see how this problem could be resolved.

Mayor Fisher asked Mr. Holmes to provide him with a copy of the letter he referred to earlier.

Community Development Advisory Committee Appointments – Angela Hill, 760 SE 22nd Avenue, Pompano Beach, FL, complained of the lack of a quorum for the Community Development Board she was recently appointed to serve on. Three (3) people quit soon after she was appointed to the board. Nevertheless, she reached out to the secretary, who provided her with information about a workshop two days after the meeting. Therefore, she indicated that she knows several citizens that are interested in serving on this board, who could fill the positions that are currently vacant.

Mayor Fisher encouraged the respective Commission members that has a vacancy to look at the possibility of appointing somebody to this Board.

City of Pompano Beach Customer Service Survey – Tony Hill, 760 SE 22nd Avenue, Pompano Beach, FL, stated that apparently, a customer service survey has been done every two years. He has a copy that was sent out, which is dated 2014, so he does not have the latest copy. He was unaware the survey was sent out to the residents and wondered if this could be made public to the residents.

Mayor Fisher indicated that there might have been three to four surveys conducted under the direction of the previous City Manager Dennis Beach, which should be available on line.

Mr. Hill inquired about the time the survey happened, which it appears to be every two years, as well as what was the sample size, who conducted the survey, and who within the City was managing the survey, perhaps the City Manager. One specific question was on the performance of City government and there are other satisfaction questions regarding departments within the City. It appeared that the percentages went from 39.1% in 2010 to 83.3% in 2014. Therefore, he was surprised at the score and explained his reasons. In sum, he could not find any other company that had scored over 60%. Consequently, he would

like to know who got surveyed.

Mayor Fisher indicated that copies of the surveys will be made available to Mr. Hill and that perhaps Phyllis Korab might have an answer to those questions.

Rehab Centers and Sober Homes - Marty Sachs, 831 S. Ocean Boulevard, Pompano Beach, FL, inquired about the status on the Sober Homes issues, and said from all respects it appears that his neighborhood appears to becoming a Rehab/Sober Homes block because more of these types of homes are being allowed. Mr. Sachs indicated that perhaps the City could try and control the density of what is happening to stop the consistent growth of these types of homes, which have been increasing at a rate of 20 residents in rehab type facilities to at least 50 in the following three months within the community. Therefore, calls made to the police has increased to at least once a week since the growth of these residences.

Mr. Sachs predicted that over the next few years his property value would decrease with the growth level of these sober homes. He understands the City is making efforts with the limitations encountered from the state and federal levels; however, he thought perhaps if the density level could be controlled it would assist the neighborhoods being impacted by the explosive growth of these residences.

Mayor Fisher indicated that Robin Bird, Director of the Development Services Department would have to check on the Business Tax Receipts (BTR), inspections, and so forth on these properties and to review the ordinances on the books to see if there is mitigation that the City can take on that end.

Mayor Fisher thanked Mr. Sachs for being part of the taskforce in the community who has been writing letters to the legislative bodies, along with the City's lobbyists doing the same thing. In fact, the lobbyists are in Tallahassee lobbying the state and federal government regarding the subject matter. Strides are being made but unfortunately it appears to be a slow process, because the City is trying to avoid getting into trouble with the federal government.

Comr. Sobel reminded residents that there would be a Short-Term rental meeting hosted by City Staff on Thursday, March 30, 2017 at 6:00 p.m. to answer questions and receive input from the residents.

Comr. Sobel, proposed a motion to place a moratorium on any further homes until the end of July 31, 2017, while the City evaluate it further and provide time for preparation of the rest of the documents, and asked if that would be possible.

Mark E. Berman, City Attorney answered yes and no regarding Mayor Fisher's question if the City could respond to the motion being suggested by Comr. Sobel. Mr. Berman explained that there is a problem as it relates to stopping sober homes, but he had already drafted a moratorium ordinance on short-term housing, which will be on the next City Commission Agenda meeting of April 11, 2017.

Additionally, Mr. Berman explained the two types of housing involved in this issue. He noted that there are the sober homes and there is the rehab type of housing, which does not go through the reasonable accommodation type of process, which is currently being revised by staff. Also, the City will undergo a study to determine what constitutes over-concentration so the ordinance can be reviewed in-depth and be specific to the areas.

Additionally, Mr. Berman indicated that the moratorium should be for short term rental housing of units of five or more, which should appear before the Commission for April 11, 2017 City Commission Agenda. In addition, revising for the single-family homes they are looking to revise to the extent that the Fair Housing Act (FHA) and Housing and Urban Development (HUD) allow the City, under their short proclamation issued, to make changes. Nevertheless, the City needs the study to be complete. In sum, whatever is being instituted must be thoroughly vetted that it can withstand challenge.

Comr. Sobel thanked City Attorney Berman for his swiftness in preparing legislation for the subject matter.

Art Education – Sarahca Peterson, Creative Liaison, CAC, 305 SW 1st Court, Pompano Beach, FL, stated that she is an art advocate desirous to educate the residents within the community. She indicated they are focusing on the youth and the importance for them to get involved with the arts. She provided some statistics regarding how art could positively impact youth who participate in some type of arts education. Finally, Ms. Peterson provided her contact information, (954)821-7196 so they could get into the schools and other areas throughout the City to educate people.

Mayor Fisher expressed appreciation for Ms. Peterson's dedication to the arts and with the current venue to express her passion and more importantly the education of the youth in the arts.

Comr. Sobel inquired about his strategic plan written memorandum to CAC regarding a program for the Pompano Beach Elementary school children, and to perform an outreach, what is planned and how it will be implemented.

Ms. Peterson indicated that she did not receive the memorandum, however, upon receipt from Sharon Stone, CAC, they could target it in touching the youth. In sum, they will be running several programs with the youth where they will be doing the work but she will be supporting them.

Equal Opportunity for Cultural Organizations – Kris Coffelt & Jack Coffelt, Artistic Director, Curtain Call Playhouse, 2500 SE 3rd Street, Pompano Beach, FL, inquired why the Pompano Beach Cultural Center funded by Pompano Beach tax dollars was not giving equal attention to cultural organizations and artists within the City. She said they need to be a valuable and significant part of the cultural arts center. She then provided a presentation on the Curtain Call Playhouse, which she indicated was one of the longest running professional theater and the only one based in Pompano Beach. In addition, she indicated that they have worked with over 3,500 artists and 3,000 children in the arts.

In sum, Ms. Coffelt asked the Commission for their support to allow the Curtain Call Playhouse to perform their entire season of shows at the new cultural center and to be granted fair and equitable treatment.

Mayor Fisher indicated that he would get with the City Manager to ensure he understands what Ms. Coffelt just presented regarding their history and experience with the arts. Nonetheless, the CAC representatives who are present at the meeting, perhaps, will note and understand the importance of inclusiveness and not exclude those who have been with the City throughout the years.

Broward Sheriff's Office (BSO) Management of Crime – Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, indicated that approximately two weeks ago, a young lady in the neighborhood was sexually assaulted and one of the BSO detectives apparently “dropped the ball” and did not provide the mother with the necessary protection for her daughter. However, he wanted to thank BSO Captain Rudy Nesbitt who was made aware of the situation and he could assist and provide support to the family right away.

Improvement of Neighborhood Location – Mr. Thrower inquired about the City doing something about the properties located at the corner of NW 6th and 15th Avenue where there is a gas station selling gasoline at a very exorbitant price. In addition, the same corner had an illegal gaming establishment, which he is suggesting the City review and come up with a plan to improve that corner.

Mayor Fisher indicated that he agrees that it is absurd that the gasoline was selling at such a high cost, however, the City does not have the right to regulate a private business operation. It would be ideal if the City could acquire the property to make a change there. However, if the General Obligation (GO) Bond gets passed, perhaps the City can consider how it can improve the corner, which involves at least three different properties. Perhaps City Manager Harrison could look at this situation to see what can be done through either acquisition or get the location cleaned up.

Mr. Thrower, suggested that perhaps the City could look at reporting the gas station to the Commission of Agriculture to deal with the price gouging process, because it should be illegal to charge \$4.00/gallon for regular gas in an urban neighborhood.

Mayor Fisher thanked Captain Nesbitt for his quick action to assist that family.

Comr. Hardin suggested that perhaps people ought not to patronize the gas station since those prices are so ridiculous.

Reinstate the BETA Program for the Youth – Marquise Smith, 1320 NW 24th Avenue, Pompano Beach, FL, inquired if the City could bring back the program they had years ago, called BETA. This program would reach out to the youth of the community and provide development skills to work in different entities of their interest. In the summer time, it would assist in keeping the youths off the streets and possibly lead them into a career job.

Mayor Fisher asked for a clarification on the exact name of the program Ms. Smith referred to, which she said it was called the BETA program. Mayor Fisher indicated that currently there is a summer program for the youth, as well as there are internship programs available.

However, if the program can be tweaked and brought back staff would consider that opportunity.

Clean up Plans for West Side Area – Ms. Smith asked about the City's plans to clean up the west side area.

Mayor Fisher responded that there are plans, but there is the need to get community leaders to participate.

Comr. Perkins mentioned that LeRhonda Henley, 601 NW 20th Street, Pompano Beach, FL, plans a cleanup for the community on April 22, 2016 and encouraged Ms. Smith to join in that activity to clean up the area.

Purchase of the Elks Lodge property – Ms. Smith inquired about the City's plan to purchase the Elks Lodge property, which she read about in a newspaper article.

Mayor Fisher indicated the item was on the agenda but was subsequently stricken from the agenda.

Comr. Sobel asked Ms. Smith for her thoughts on the purchase of the Elks Lodge.

Ms. Smith indicated that she understood that the funds were in a reserved account and asked if this account was for specific or all entities.

Gregory Harrison, City Manager, clarified that the article had referred to the City's plan to pay for the Elks property out of an account that had reserve funds included in it.

Mayor Fisher added that if the issue of the General Obligation (GO) Bond was approved then the City would put those funds back in the reserve accounts.

Ms. Smith asked if those reserve funds could be used for development such as new infrastructure. As well as if it is possible that some of these funds could be used for the west side area.

Mayor Fisher responded that it could be used for Capital Improvement projects. In addition, he explained the budget process involved with this activity, which includes the budget workshops scheduled in May and July, at which time the Capital Improvements would be discussed and the public is welcomed to participate and provide their ideas.

Recycling and Green Initiatives in the City – Stephanie Steinberg, District 1, Pompano Beach, FL, proposed an idea she said could tie into the green building initiatives. She mentioned the City could be eco-friendlier, and then provided several examples to include, energy consumption, as well as recycling bins placed throughout the City. She complained that there were no recycling bins in the beach area.

Mayor Fisher mentioned that several years the City Commission and the City entered a green building program and that any future buildings constructed would be LEED certified. In fact, the current building, as well as City Hall was completely retrofitted to be energy efficient.

Mayor Fisher indicated that he was not aware that there were no recycling bins on the beach, which is not acceptable; therefore, staff will get back on this.

Comr. Sobel said he was going to report on the recycling bins missing from the City's beach area. He therefore, asked if the Commission could ask the City's Parks and Recreation Department to see if they could consider this issue.

Issues within the City – Joseph Ryan, 427 NE 24th Avenue, Pompano Beach, FL, complained that the City has numerous problems, and referred to instances when he tried to get information which he opined was massaged prior to response from some department heads, who sometimes do not return his calls.

Additionally, Mr. Ryan indicated that the City settled a lawsuit with Mr. Swerdlow and paid \$1 million, with \$637,000 paid to defend the City.

Garage Problems – Mr. Ryan complained there are problems with the garage and asked how is the City going to pay for it.

Finally, Mr. Ryan encouraged the City Commission to tell it like it is and refrain from spending moneys and talking happy when it is not reality.

Neighborhood Cleanup – LeRhonda Henley, 601 NW 20th Street, Pompano Beach, FL, provided more information regarding her next planned cleanup on April 22, 2017, at 9:00 a.m. to commence at the Mitchell Moore Park. A dance will also be done to get the youth into the spirit of cooperation and the willingness to keep their neighborhoods clean.

Ms. Henley also noted that the City needs more trashcans.

Comr. Perkins thanked Ms. Henley for the cleanup events, which is well needed. She indicated that the Fire Department has agreed to assist in this effort, and thanked them for their assistance.

Comr. Hardin indicated that Robert McCaughan, Public Works Director was involved with the first cleanup and wanted to ensure there would not be any more “snafus” with insufficient supplies.

Mr. Harrison replied there will not be any snafus.

Unacceptable Statements made to Jay Ghanem – Jay Ghanem, President, Auto Tech and Body 427 N. Dixie Highway, Pompano Beach, FL, indicated that he and his family have been serving the City of Pompano Beach for many years and does whatever it takes to serve the City, which he intends to do until he dies. However, recently someone said to him, “Auto related businesses are not desirable here and you are really being allowed to stay, you need to keep that in mind. Also, you might not be renewed to the advisory board.”

Mr. Ghanem desired to make it known that he has no fear to continue to serve in the City that he loves and operates his business in.

Furthermore, he stated that the County Environmental Department brings their interns to be trained at his facility. He indicated that his facility meets the standards for 2024. Therefore, he found the comments expressed to him unacceptable, and he will not tolerate it. Therefore, he wanted to inform the Commission about the incident.

Mayor Fisher asked if he got the name of the person who made those comments.

Mr. Ghanem indicated that he has the description of the person who was a polite, well dressed and of African American descent. When he tried to get an identity of the person from someone in the Finley’s restaurant, unfortunately, no one knew him.

Mayor Fisher indicated that this type of action will not be tolerated and if next time this happened perhaps Mr. Ghanem could take a picture of the person or even get a name. Mayor Fisher indicated that the Commission could not control this type of behavior, and he apologized to Mr. Ghanem for his experience.

Police Report – Delores Bullard, Cal's Beauty Salon, 212 North Flagler Avenue, Pompano Beach, FL, indicated that the space next to her business remains vacant. She indicated that the person who rents the space hit her in the face with a full water bottle, and even though she has complained about the incident, nothing has been done about it. She indicated that the reason nothing has been done is because the police report was written incorrectly in favor of the man who assaulted her. In addition, Ms. Bullard indicated that she has spoken to the police chief of the area and advised him of all her concerns because the report was written showing that she was the attacker when she was the person attacked.

Completion of Community Redevelopment Agency Project – Ms. Bullard inquired about the status of completing the project at her building. She indicated that the space remains vacant and she has been losing money every day since it has not been completed.

Appreciation – Ms. Bullard thanked Comr. Moss for his attention to NW 24th Avenue from the 900 block to the 500 block where the road is narrow. She received an email that it was referred to the traffic engineering and they will be checking into the situation.

Senior Citizen Affordable Housing – Ms. Bullard also thanked Mayor Fisher for providing the senior citizen project plans to her. The housing looks beautiful. However, the senior citizens are inquiring as to how much the units would cost and if it would be affordable rentals.

Mayor Fisher indicated that it is an affordable housing project.

In addition, Mayor Fisher indicated that he did speak with the CRA representative and they indicated that they will be providing a report on the air conditioning for the building.

Comr. Perkins requested that the City Manager work with Ms. Bullard and the CRA staff about having the building completed because it is a hardship for a business to function to have the space leased if there is no air conditioning.

Martin Luther King Jr. Boulevard/Hammondville Road Name Change – Debra Campbell, 1950 NW 4th Court, Pompano Beach, FL, indicated that she has resided in Northwest Pompano Beach since 1959, and is aware of the great advancements the City has made. One such advancement is concerning the name of the Martin Luther King Boulevard/Hammondville Road thoroughway extending from Dixie Highway west to NW 31st Avenue. She urged the Commission to consider changing the name of the road to one single name that being Martin Luther King Memorial Boulevard. She said there is evidence seen of a progressive community, because there are thriving businesses on that thoroughfare.

Ms. Campbell mentioned that many residents are unaware of the history of Hammondville Road and provided a brief history of the road, which transported people to and from the farmlands. In its early state, she had become a member of the Martin Luther King Memorial Committee and recalled the March when they wanted to rename Hammondville Road to Martin Luther King Boulevard. However, the community settled for a dual name road, but now things have changed and the City continues to progress. She indicated that there is no justification for this dual name road in the City.

Traffic Signal at Martin Luther King Jr. Boulevard - Ms. Campbell expressed concern regarding the traffic signal at the corner of Martin Luther King Boulevard at NW 18th Avenue, which goes across to the north side of Martin Luther King Boulevard. The traffic signal is not located in a very good place. In fact, she has witnessed people almost killed at the intersection, as well as she almost got hit when she tried to cross at the section. The hedges are too high and need to be lowered. Therefore, she urged the Commission to consider moving the traffic signal directly to the center of the intersection.

Mayor Fisher indicated that a similar request was brought up regarding the intersection. Therefore, the City has requested Broward County Transit who controls the lightening mechanism within the City, to consider the matter to move the signal a little farther to line up and is awaiting their response. However, if the hedges are too high then staff will ensure that the hedges are trimmed as soon as possible.

Mayor Fisher indicated that the protocol has always been that if a concern has been brought to the Commission's attention, in this case the Hammondville Road issue, the Advisory Board would be given the opportunity to vet it. The matter will be going to the Historic Preservation Committee to review it. To date approximately seven (7) persons to include Ms. Campbell has brought this to attention. However, he requested that the City Attorney put this on the next agenda, if necessary to remove the Hammondville name and just leave that road as Dr. Martin Luther King, Jr. name.

Mark E. Berman, City Attorney indicated that he would review the history and the regulation. Normally, when a street is being named after somebody, the County usually require that the name of the original street be left in place in smaller lettering. Nevertheless, he will check into the legality of whether the request to remove the Hammondville name from that dual named street.

Mayor Fisher thanked Comr. Perkins for providing him with the article dated back in 1990 regarding the matter.

Comr. Sobel thanked Ms. Campbell for bringing up the issue again. He stated that the Commission has heard it from many people prior and with no disrespect to the Historic Preservation Committee he researched the issue. Therefore, since the people has come forward on the issue, leaving Hammondville Road, however, small the secondary name is defeats the entire purpose of the hurt and intent of the entire NW community. Therefore, he made a motion to immediately rename exclusively, Hammondville Road and Martin Luther King Boulevard to just Martin Luther King, Jr. Boulevard.

Mayor Fisher cautioned that he had already requested that the City Attorney check into the legal aspect of the matter, and that the item be brought before the Commission as a resolution to be voted on.

Ms. Campbell offered to work with whoever is working with getting the name changed.

Comr. Perkins indicated that when they started out in 1990 with the name designation, the intent of the people was to remove the name Hammondville and name the street Martin Luther King Boulevard. However, at that time, the situation was heated and tense so the people decided to compromise and accept it as a dual name. Consequently, Martin Luther King Boulevard should be the primary name and Hammondville Road should be the secondary name. In the meantime, she provided the City Manager with the Resolution when it passed in 1990, and plans to provide more information to assist in expediting the process.

Hammondville Road Name – Tom Johnston provided clarity on the naming of the Hammondville Road. He said the first name given was Rock Road. However, a farmer lived on the road by the name of Hammon without the “d” added to the end of the name. Therefore, upon the naming of the road someone misspelled the name and added the “d”. In fact, he suggested that since there is no one by the name of “Hammond” it should be easy to take an incorrect name and do the right and perfect thing to honor Dr. King.

Historic Preservation Committee Appointment – Barbara Armbrister-Boynton, 3528 Sahara Springs Boulevard, Pompano Beach, FL, stated she has sat on the Historic Preservation Committee for many years and served faithfully as an alternate member. However, when a vacancy came up to serve as a regular voting member, she was overlooked and someone who has not served as long or lived in the City for over one year was selected. She mentioned that several members on the board to include the chairman, had indicated that she would be next in line to move into the vacant position, so she was disappointed when it did not take place, because when she volunteered her time she had hoped to become a voting member. In fact, she serves the City in many ways to include being chairman of the Education Advisory Committee, as the Mayor’s appointee.

Mayor Fisher indicated that an item for appointment was placed on the agenda in which an appointee was made. City Clerk Hammond confirmed that an appointment was made approximately two City Commission meetings ago. Both alternates had expressed interest to serve as a regular member, which there is only one vacant position for this. Colleen Murphy, who was serving as alternate 1 was voted to move into the regular position and at the following meeting Ms. Barbara Armbrister-Boynton was voted to move from alternate 2 to alternate 1 position. Consequently, there is an item on the agenda tonight to fill Ms. Armbrister-Boynton’s position as alternate 2.

Ms. Armbrister-Boynton stated that she had asked about voting rights since she has been serving on the Committee for so long as an alternate. She was made to understand from one of the former members of the Committee, the late Judy Knoebel who was a regular member, that upon the next vacant position, she would be “next in line” to move into the position of a regular member. Also, Jerry Bowman, current Chairman for the Committee had expressed similar statements that she would be able to move into a regular position whenever there was a vacancy.

Comr. Moss indicated that both he and Comr. Perkins had voted for Ms. Armbrister-Boynton, contrary to what was communicated to her.

Ms. Armbrister concluded that perhaps something needed to be done to review the selection process for the City’s advisory boards, as there are other members who are disgruntled with the current process.

Mayor Fisher explained the procedure, which involves someone making a nomination and subsequent nominations would follow. Upon roll call, each respective commissioner would vote for one of the names presented as nominees and the motion would carry on majority votes.

D. CONSENT AGENDA

1. [17-324](#) Approval to award Bid L-24-17, Cultural Center Relocatable Lighting, to the lowest responsive and responsible bidder, Stage Equipment and Lighting, Inc., in the amount of \$90,222.00.
(Fiscal Impact: 90,222)

(Staff Contact: Mark A. Beaudreau)

Mayor Fisher indicated that he pulled the item to make a point. Apparently, there were four bidders for this item and a Pompano Beach firm was \$905.36 over the other bidder from Miami. He reasoned that if the companies are all equal, there should be a mechanism the Commission could use to consider the Pompano Beach firm since the cost difference is minimal. Therefore, he inquired if such a mechanism could be put in place to allow the Commission to alter the current request and approve it for the other bidder.

Mark. E. Berman, City Attorney, advised the bid could be rejected; however, without an ordinance in place giving local bidders preference, he would advise against the Commission proceeding in that way to alter.

Otis Thomas, General Services Director, stated that this was a bid and the lowest bidder normally wins the bid. Nevertheless, he understands the Commission's desire for a mechanism to be in place, but nothing is in place at this time that would allow the Commission to move to the next bidder.

FURTHER DISCUSSION OF A MOTION ON THE TABLE FROM PREVIOUS DISCUSSION UNDER AUDIENCE TO BE HEARD

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, indicated that he desired to speak earlier, under Audience to be Heard on a previous discussion and pointed out that from a procedural point, there is a motion on the table. He indicated that Comr. Sobel had made a motion about Hammondville Road but he was not provided the opportunity to have a second nor did he withdraw his motion. So prior to proceeding with other business, he asked the Chair to consider the Robert's Rules of Order, which would indicate there is a motion still on the table.

Mayor Fisher responded that technically, Comr. Sobel did make the motion after the City Attorney was instructed to move forward with the procedures to remove the name. Therefore, from a procedural standpoint he conceded to ask for a second to the motion made earlier by Comr. Sobel to remove the name Hammondville, which Comr. Perkins seconded the motion.

Mayor Fisher requested if Comr. Sobel would consider adding to his motion to instruct the legal staff to move forward with the removal of the name and the procedures for it.

Comr. Sobel agreed to amend his motion accordingly.

MOTION: A motion made by Commissioner Sobel, seconded by Commissioner Perkins to immediately rename exclusively, Hammondville Road and Martin Luther King, Jr. Boulevard to just Martin Luther King, Jr. Boulevard, and to instruct the legal staff to move forward with the removal of the name and the procedures for it. The motion carried unanimously.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Approval Request be APPROVED. The motion carried by the following roll call vote:

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

2. [17-295](#) Approval to award Bid #E-16-17 Margate Water System Atlantic Boulevard Interconnect Upgrade to the lowest responsive responsible bidder, Southeastern Engineering Contractors, Inc., at a cost of \$135,868.00.
(Fiscal Impact: \$135,868.00)

(Staff Contact: A. Randolph Brown)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

3. [17-297](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 1 IN THE AMOUNT OF \$110,450.00 PURSANT TO THE CONTRACT FOR CONSULTING/PROFESSIONAL SERVICES BETWEEN THE CITY OF POMPANO BEACH AND CB&I ENVIRONMENTAL & INFRASTRUCTURE, INC. FOR PROFESSIONAL SURVEYING AND MAPPING SERVICES; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$110,450.00)

(Staff Contact: A. Randolph Brown)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be STRICKEN. The motion carried unanimously.

4. [17-303](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LOCAL AGENCY PROGRAM SUPPLEMENTAL AGREEMENT BETWEEN THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AND THE CITY OF POMPANO BEACH FOR THE IMPROVEMENTS TO DR. MARTIN LUTHER KING, JR. BOULEVARD FROM THE FLORIDA TURNPIKE TO POWERLINE ROAD (SR 845); PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Horacio Danovich)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2017-198

5. [17-311](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LICENSE AGREEMENT BETWEEN THE CITY OF POMPANO BEACH AND THE HEARTBEAT FOUNDATION CORP., TO CONDUCT A BRAZILIAN LUAU ON THE GREAT LAWN; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$3,120 in In-kind Services)

(Staff Contact: Mark A. Beaudreau)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2017-199

6. [17-314](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A STATE-FUNDED GRANT AGREEMENT WITH THE STATE OF FLORIDA, DIVISION OF EMERGENCY MANAGEMENT, FOR THE PURPOSE OF INCREASING THE AMOUNT OF GRANT FUNDING FROM \$194,000.00 TO \$394,000.00 TO PROVIDE RESIDENTIAL WIND MITIGATION RETROFIT IMPROVEMENTS; AUTHORIZING THE CITY MANAGER TO ACCEPT THE GRANT AND TO EXECUTE ALL APPROPRIATE DOCUMENTS; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: \$394,000.00)

(Staff Contact: Miriam Carrillo/Mark Korman)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2017-200

7. [17-315](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND FLORIDA HOUSING FINANCE CORPORATION FOR HHF ADVISOR SERVICES FOR THE HFA HARDEST HIT FUND UNEMPLOYMENT MORTGAGE ASSISTANCE PROGRAM AND MORTGAGE LOAN REINSTATEMENT PROGRAM; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Miriam Carrillo/Mark Korman)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2017-201

8. [17-326](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO OPPOSE SENATE BILL 1770 AND HOUSE BILL 13 WHICH WILL PHASE OUT COMMUNITY REDEVELOPMENT AGENCIES AND WOULD NOT ALLOW ANY NEW CRA PROJECTS OR DEBT AFTER OCTOBER 1, 2017; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Kim Briesemeister/Phyllis A. Korab)

Comr. Sobel indicated he pulled the item for procedural and substantive reasons. Comr. Sobel explained that the matter was before the Community Redevelopment Agency (CRA) Board one week ago. At that time, one third of the Commission opposed the resolution. He stated that they did not have sufficient time to review the legislation of House Bill 13 and Senate Bill 1770 because it was not included in the backup. Therefore, their position was to take a careful look at it because it is a well-written legislation providing a great deal of benefit, in particular, to the Pompano Beach CRA, and would potentially extend both the NW and East CRA's to 3031. He then explained his procedural problem in details.

In sum, Comr. Sobel indicated that he was not expecting to see the item placed before the Commission under Consent agenda due to the nature of the debate at the CRA meeting regarding the matter. Therefore, he requested that in the future, when staff review an item, if it is not ministerial, uncontested, and not controversial, he would not have a problem placing it under Consent agenda. However, if there are issues to be discussed transparently, and from an accountable standpoint, those items should be placed under Regular agenda.

Furthermore, Comr. Sobel indicated that not only were the residents from the Northwest CRA district in opposition of passing this resolution, but he received numerous email from residents in District 1 opposing it as well, and read into the record, one such email he received.

Comr. Sobel concluded that the item does not deserve to be under Consent agenda because it is substantive, contested, and it is not fair to dismiss one third of the commission by placing the item under the consent agenda.

Mayor Fisher indicated that items that are under Consent Agenda can be pulled by anyone for discussion, if the belief is that it would be contentious or debatable. To indicate that the referred bill is pro-taxpayer and pro-residents is questionable, because it is a clearly set bill, "to constructive termination of the CRA's in October 2017." It is not an extension. The good news is the bill is dismantling, nevertheless, the City need to let the legislators know we are not in a position to cut the CRA's out for October 2017. Most of what is in the bill the City is already doing. However, we cannot "cherry pick" what or whatnot to do with a legislation. He then explained the time constraints involved with getting this item before the CRA and then the Commission.

Sarahca Peterson, 305 SE 1st Court, Pompano Beach, FL, stated that approximately two years ago, she spoke with CRA representative, Nguyen Tran, about the culture of the NW district staying in tact, and he advised her to keep the culture going as everything else is being torn down. She said the oversight of every time they promote an event at the historic Ali Building, the address states Hammondville Road, however, the street has been named Martin Luther King Jr. Boulevard since the 1990's. The reference of the building's location is constantly referred to as Hammondville Road. Therefore, she requested that the Northwest CRA be cognizant of what they are doing when they are putting out information repeatedly without talking to people and without finding out the history of the Northwest district. These are things that constantly remind the residents in the area that the CRA is not listening to their requests.

Comr. Hardin indicated that Mr. Holmes had brought up the same comments at the last CRA meeting, which will be corrected.

Joseph Wells, 789 NW 15th Place, Pompano Beach, FL, stated that the last time the bill came before the Commission a number of residents had opposed it. Since it appears the CRA staff is not listening to the residents' complaints, he has concluded that it is time to hold the City Commission responsible, because they are the Board for the CRA. He mentioned that there are things that the CRA is doing and building in the community that the residents/stakeholders is not desiring to have done. In sum, Mr. Wells indicated that the residents are not desirous to have the current CRA continue in the northwest community. He hopes there is only one more year left with the CRA and then the City will be responsible to redevelop the northwest area.

Earnestine Tai, 657 NW 21st Avenue, Pompano Beach, FL, stated she was pleased to see that someone is addressing the issue of Hammondville Road versus Dr. Martin Luther King Boulevard. She provided a historical background when the road was first named Rock Road, then Hammondville after a Mr. Hammonville who navigated the Everglades that was not in the black community. The Community has, over the years, requested the Commission to consider various persons that they honor. Therefore, she felt the constant requests should “say something by now.”

Additionally, she agreed that the CRA is not working with the residents to construct buildings that will help the people of the community in the northwest area. The residents are looking for buildings that will improve the community like what has been done in the East CRA area. Ms. Tai referred to a time when the residents had asked for a medical center and North Broward wanted to assist with it to help the community. However, that was denied.

Mayor Fisher clarified that North Broward did not follow through on their promise, even when the City had offered another location for them to build.

In sum, Ms. Tai stated that she desires, in the coming years, to see a change in Pompano Beach with regard to the Northwest area, as well as a better understanding between the City Commission and the residents living in the area.

Bishop Dr. Ivory L. Wilson, 2419 NW 6th Street, Pompano Beach, FL, spoke about the CRA program over the years and mentioned there are little hang-ups and rules that hampers the important issues of the community residents. He stated that whenever something is going to happen in the community it is already in progress, ruled and voted on; therefore, the residents have no input.

In sum, Mr. Wilson stated that more attention is needed for the residents’ concerns. And as it relates to finances the businesses are negatively impacted with what the CRA has decided on to put into the community. He concluded that the federal funds coming through to the City should be filtered into the community, but the residents are not getting anything.

Mayor Fisher encouraged Mr. Wilson to get more involved with the advisory boards and provide his ideas for the Commission’s consideration.

Vice Mayor Burrie announced that Comr. Perkins is having an open house discussion about the CRA and the desires of the neighborhood on April 5, 2017 at 5:30 p.m. at the E. Pat Larkins Center. She is looking forward to attending, as well as the CRA representatives. The setting will be more informal and hopefully, everyone will sit down at the table and have a good discussion regarding the issues on hand.

Delores Bullard, 212 North Flagler Avenue, Pompano Beach, FL, stated that she is in agreement to keep the CRA. However, new staffing is required who will work and listen to the needs of the community. The CRA is needed to improve the west side of town. Most importantly, the community need senior apartment facilities that are affordable rentals.

Vicente Thrower, 1890 NW 6th Avenue, Pompano Beach, FL, understands the City plans to oppose the item, however, he believes after the item is passed/failed the City Commission needs to reassess to determine what to do moving forward. Finally, he said there is a need to evaluate what is currently going on in the northwest CRA, to determine if everyone is happy with the current state of affairs. He then asked if the City can amend the bill.

Mayor Fisher responded that the City cannot change the language of a bill.

An extensive discussion followed among the Commission and members of the public regarding the City's lobbyists and representation in Tallahassee to address certain issues to include CRA matters that the City desires to be heard at the state level. As well as, the City's desire to include amendments to certain bills.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, stated that over the last ten years the City has paid, from the CRA funds, between \$10 and \$12 million in fees to the RMA Company managing the CRA's.

Tony Hill, 760 SE 22nd Avenue, Pompano Beach, FL, stated that he read the text of the amended counter claim of the County for the lawsuit between the City, County and CRA. In sum, the City is on the extension of time for the CRA, not on the finances, or the fact that the County is asking the City to return all the money that is in the CRA. Therefore, if this bill goes through, the CRA will be bankrupt.

Comr. Sobel agreed with Mr. Thrower that there are two issues. The City has lobbyists in Tallahassee who can push for certain language the City desires to be in a bill, which is what they are doing. However, the question is, who is advising the lobbyists and what is being told to them. The second issue is the resolution regarding the bill, which is before the commission for approval. He said a week ago the Commission was asked to pass the same bill, but the language has since changed in the proposed bill. Yet, the Commission is still being asked to adopt the resolution.

In sum, Comr. Sobel insisted that the Commission need to be fact based when making decision on the various bills, and not solely rely on an interpretation by a staff member. Therefore, he suggested that the City could change the language today with a resolution saying the City is supportive of House Bill 13 and Senate Bill 1770 except for the one provision, in the house bill only, that pertains to no new projects being able to be started. Otherwise, he supports everything else that is within the bill.

Comr. Perkins stated that there are some good CRA's out there. For example, out on the beach, which is the East CRA, it is working and they are doing things that can be seen, felt and lived in it. However, in the Northwest Pompano, RMA have not been working for the district 4 community. Therefore, if the City could find someone to spearhead the Northwest CRA the City could move further along.

Comr. Perkins suggested that the City stop all the new projects planned with CRA until the City determines what will happen with the lawsuit.

Comr. Hardin indicated that he supports the CRA's and the CRA districts and desires to see it extended. As well as he desires to see the good work continued that the City has been doing in the Northwest and the East CRA. While there may be frustration in some areas, RMA has successfully spearheaded the East CRA projects and he would like to see them continue.

Comr. Sobel asked about the status of getting a shade meeting regarding the lawsuit among the County, the CRA and the City.

Mayor Fisher indicated that the shade meetings must be announced and the attorneys are working on those. Therefore, staff will inform the Commission when those meetings will happen.

Comr. Perkins disagreed with Comr. Hardin's comments regarding great things happening in the Northwest CRA. She stated that until Comr. Hardin lives in the area, it is hard to determine the great things happening. She agreed that things have been done in the Northwest, but a lot more has not been done. She cited some of the happenings in the area to include drug-peddling at the corner streets, gunshot noises, four wheelers driving by creating noises that prevents some residents from hearing their TV's, people walking on the streets and littering others yards with their trash, and so forth.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following roll call vote:

Yes: Hardin

Moss

Burrie

Fisher

No: Perkins

Sobel

Enactment No: RES. No. 2017-202

9. [17-304](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MONA SILVERSTEIN TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS THE APPOINTEE OF COMMISSIONER BARRY MOSS, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2017-203

10. [17-305](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING TOBI AYCOCK TO THE COMMUNITY APPEARANCE COMMITTEE OF THE CITY OF POMPANO BEACH AS THE APPOINTEE OF COMMISSIONER REX HARDIN, WHICH TERM SHALL COINCIDE WITH THE TERM OF THE APPOINTING OFFICIAL; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to APPROVE/ADOPT the item under the Consent Agenda. The motion carried unanimously.

Enactment No: RES. No. 2017-204

E. REGULAR AGENDA

11. [17-292](#) A presentation of the Actuarial Valuation Report for the City of Pompano Beach Police & Firefighters' Retirement System as of October 1, 2016 by Mr. David Harris of The Nyhart Company, Inc.
(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

Suzette Sibble, Assistant City Manager, stated that as a public pension plan, the Police and Firefighters' Retirement system is required to have a licensed actuary prepare an actuarial valuation for the plan. The most recent valuation results will be presented by David Harris with the Nyhart Company, Inc.

David Harris, Nyhart Company, Inc., confirmed they are the actuaries for the Pompano Beach Police and Firefighters' Retirement System. He provided to the Commission an overview of the results of the valuation for October 1, 2016. He said as a background, this does cover police and firefighters. The firefighter's cost is borne by the City and the police costs by the Broward Sheriff's Office (BSO). Thereafter, Mr. Harris outlined his presentation in detail of the October 1, 2016 Actuarial Valuation Report.

In conclusion, Mr. Harris explained the process of Amortization of Liability that the State of Florida requires to be no longer than 30 years, which the System is currently using. The society of actuaries provide recommendations and guidance to use a time that would be less than 30 years to pay off the liabilities, which is within 15 to 25 years. Therefore, he would recommend for the Board to do an investigation, next year, to potentially look at starting to lower the rate either prospectively going down in the next five years to reach the 25-year amortization, or to start recognizing, yet unseen, unfunded liabilities that may get created over the course of 25 years. The difference in the basis in terms of an annual cost between recognizing 25 years versus 30 years is about 6% in cost for that period.

Comr. Hardin inquired about the risk involved in using 25 years versus 30 years, as well as, would using lesser years mean anticipation of closing the pension plan.

Mr. Harris responded it does not refer to closing the pension plan. He then explained the best practice to pay off the liabilities as the membership is earning through their careers. In this plan, the retirement age is a 25-year career.

Comr. Hardin asked for clarification as to the rationale behind the best practices recommendation versus what has been in place over the years. Mr. Harris elaborated on his previous recommendation to consider reducing the required 30 years to 25 years, which is the career age of the membership. The benefits are to get to a 100% funded plan quicker, which the goal of any plan is to get to 100% funded. Therefore, it is acceptable to achieve this over 30 years. Another benefit with the same amount of dollars put in the plan, there would be more interest component, appreciation of the assets as opposed to paying it later. It becomes a decision to pay into the plan with contributions or with interest. Mr. Harris clarified there is no need at this point.

Mayor Fisher asked if the Commission has the right to elect to change.

Mr. Harris responded that most Boards are operated independently of the Commission. However, Boards can work with their Commission when these types of costs are brought up.

Comr. Sobel understands that the fire department has been leveled off, although slightly increased in terms of frequency of calls, staffing and costs. Notwithstanding, expenses of shortfall are borne by the City taxpayers. Therefore, he inquired about the potential exposure or shortfall for the 200-member fire department.

Mr. Harris responded that currently the unfunded liability, which is the difference between the assets that are attributed to the System versus the liabilities calculated that are existing in the System, is in the amount of \$50 million. That is \$162 million in liability and the assets associated is \$112 million so the unfunded liability that needs to be paid off to get to 100% funded would be \$50 million.

Comr. Sobel inquired whether any portion of the impact fees could be used to cover the unfunded liabilities of the fire pension plan, to which Chief Jurgle, Fire Chief shook his head to say no.

In response to Mayor Fisher's question Mr. Harris responded that the City is currently 76% funded, which is a little below normal, and explained the conservative approach that the City of Pompano Beach has used over the years.

Tom Terwilliger, 3160 NW 1st Avenue, Pompano Beach, FL, asked about the current percentage of the State fund being funded.

Mr. Harris responded that the state fund is approximately 90% funded.

In response to Mr. Terwilliger's question Mr. Harris responded that the Nyhart Company has been the actuary for the Police and Firefighters' Pension System since 2010 and 2012 was when the first valuation was performed for the City.

Mr. Terwilliger noted that in the year 2000 the City's retirement system was 102% funded and today it is at 76% funded and suggested that the Commission consider dedicating an amount to catchup with the percentages of unfunded amounts for both the Police and Firefighters' and General Employees' Pension Plans.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Presentation be ACCEPTED. The motion carried by the following roll call vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

12. [17-313](#) Presentation of the City of Pompano Beach Comprehensive Annual Financial Report, Single Audit Reports and Management Letter for the Fiscal Year ended September 30, 2016 and the results of the annual audit by Marcum LLP, Independent Certified Public Accountants.
(Fiscal Impact: N/A)

(Staff Contact: Andrew Jean-Pierre)

Andrew Jean-Pierre, Finance Director indicated that Florida Statue requires the City to conduct an annual audit of its financial activities prepared by an independent certified public accountant. In order to facilitate that audit the City is required to prepare an accounting of those activities in a document referred to as the Comprehensive Annual Financial Report (CAFR). The CAFR for the fiscal year ended September 30, 2016 is provided in the backup to the item. Upon the Commission's acceptance of the CAFR, it will be posted on the City's website under the Finance Department's links. Due to the comprehensive and extensive nature of the report, Mr. Jean-Pierre recommend that focus be given to the Management Discussion and Analysis (MD&A) which starts at Page 4. It provides a snapshot of the results of the operations of the City for the fiscal year ended 2016. In addition, as a recipient of federal and state grant funding, the City is required to have an independent audit of those grant activities by an independent certified public accountant.

Finally, Mr. Jean-Pierre indicated that Moises Ariza of Marcum LLP would present the results of the audit, as well as make certain required communications to the Commission.

Moises Ariza, Marcum, LLP, serves as the audit manager on the 2016 engagement of the City of Pompano Beach and he presented the CAFR, which was prepared by the Finance Department. He then highlighted certain sections of the report.

Page 1 – Auditor’s Report the First paragraph reads, *“We have audited the accompanying financial statements of the government’s activities, the business type activities and each major fund and the aggregate remaining fund information of the City of Pompano Beach for the fiscal year ended September 30, 2016.”*

The Second paragraph is the Management Responsibility, which stipulates what the management, and the finance department is responsible for the fair presentation of the financial statements in accordance with US GAP (Government Accounting Principles).

The Third paragraph is the Auditor’s Responsibility, which expresses opinions on these financial statements based on their audit. Mr. Ariza indicated that they did not audit the City of Pompano Beach General Employees’ Retirement System, which is audited by a separate audit firm. This also covers the Community Redevelopment Agency (CRA). Specific to the CRA a snap shot of the balance sheet is available on Page 24 and the statement of revenues and expenditures is available on Page 27.

Mr. Ariza stated this is their first year as the City’s external auditors, and they performed certain audit procedures to ensure the CRA current year activity was in accordance with Florida Statute 163. He outlined their auditors’ scope of testing, which included ensuring the City had a redevelopment trust fund. They confirmed 100% of the revenue related to the CRA to ensure it was not being commingled with other city departments. They also tested disbursements to ensure authorization in accordance with the approved CRA budget. They also reviewed ending balances of unspent proceeds to ensure there was a plan in place for the funds.

Mr. Ariza continued by stating that on Page 2 there is a paragraph on their Opinions, which provides an example of their modified opinion, which is a clean opinion, and it reads as follows. *“In our opinion, based on our audit and the report of other auditors, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund and the aggregate remaining fund information of the City, as of September 30, 2016.”* Mr. Ariza indicated that the City Commission would want to be associated with only this opinion.

The next paragraph is the MD&A, which is a management rating by the City’s finance department. The auditors are precluded from writing this document. This provides a snap shot of prior years versus current years, as well as provide the underlying justification as to what caused the differences and the change of activities. Therefore, he suggested reading Pages 4 through 19 in its entirety.

Apart from the CAFR, they also issued Compliance reports, which is 14 pages. He referred to Page 1 of the compliance reports where there is a report of Internal Controls over Financial Reporting on compliance. This report communicates any material witnesses or significant deficiencies in internal controls in relation to financial reporting. On the third paragraph, it provides definitions of material witnesses, and significant deficiencies. The compliance paragraph concluded the results of a test and

disclosed no instances of noncompliance related to financial reporting, or other matters required to be reported under government auditing standards.

On Page 3, there is a report on compliance of Each Major Federal Program and State Project and he provided the reason the City was subjected to local, federal and state single audit. Over \$750,000 were expended of grant awards, which is the threshold for both federal and state. For federal the City expended approximately \$3.9 million and for state funds approximately \$1.27 million. Additionally, on Page 4 they provided their opinion, stating that the City complied, in all material respects, the two major projects audited. One was a federal and one a state program. On Page 6, there is a schedule of federal awards and state awards. The total amount expended for financial assistance from federal and state is \$5.2 million.

On Page 1, there is a letter in accordance with the rules of the Auditor General, and on Page 12, the first paragraph refers to prior audit findings. The second paragraph refers to blended component units. It identifies the CRA agencies, the Pompano Beach Emergency Medical Service District and the Herb Skolnick Cultural Arts Foundation. This stipulates that these blended component units must be included in the CAFR as required by the state. Following there is the Financial Condition paragraph and they did not see any instances that met the criteria of Section 218, Florida Statute, which is a financial emergency. For example, missing payrolls, payments on long-term debts.

The following paragraph mentions Section 10.554 – Florida Statute, Financial Condition Assessment – as required by the Auditors General to evaluate 29 factors in regards to the City of Pompano Beach in the financial condition as compared to its peers (cities of relative size and revenue source) there are no unfavorable conclusion to the report.

On Page 13 are recommendations that are outside of material witnesses or significant deficiencies that merit communication to those persons charged with governance. However, currently they do not have any such recommendations.

Mr. Ariza indicated that outside of the compliance report there is a copy of the required communication letter. On the first page is the most sensitive estimates by other cities, which is GASB 68 regarding net pension liabilities. On the following page, they disclosed if they had any issues with management, which they encountered no significant difficulties dealing with Suzette Sibble and Andrew Jean-Pierre. He thanked them for their assistance throughout the audit. He said they were key instrument in allowing the auditors to complete the audit prior to March 31, 2017.

Mayor Fisher asked if this external auditing report, done by fresh eyes (a new company), that this is the cleanest opinion an organization could receive.

Mr. Ariza responded yes, this is the highest level. He said that their firm works with 32 governmental firms in South Florida.

Mayor Fisher reiterated that the new auditing firm found no incidents of noncompliance, no findings to include the CRA's and this is the cleanest opinion one could get. He then thanked staff and the City Commission both the past and the present for working diligently to accomplish such a high opinion.

Comr. Hardin echoed Mayor Fisher's praise and comments on the condition of the City. It has taken years to get to this position and he gives many props to staff, who are doing a tremendous job and urged staff to keep up the good work. Therefore, on behalf of the residents he thanked staff for what they do.

Comr. Sobel asked for the total amount of dollars Mr. Ariza has audited that was spent by the City over the course of the one-year period. Mr. Ariza responded that he did not have the exact amount. He indicated that in government accounting standards there is an opinion on every fund. For example, the General Fund is an opinion unit, the CRA an opinion unit, the water department an opinion unit, and so forth.

Comr. Sobel questioned Mr. Ariza's responsibility in doing the CAFR as the independent auditor. He asked if his sole objective is to determine whether the City of Pompano Beach complied and adhered to its own standards for internal controls and accounting practices.

Mr. Ariza clarified that the CAFR was prepared by the City's Finance Department. Additionally, he explained that their job as a CPA firm is to do a financial audit. Therefore, what they are testing is the financial numbers in compliance regarding state statutes, as well as they perform certain tests on the internal controls.

In response to clarifying Comr. Sobel's question, Mr. Ariza indicated that the accounting standards are set by the national governing board and the City adheres to their standards.

Comr. Sobel asked if any part of his job involved looking for fraud, which Mr. Ariza replied no. Also, he asked if any part of his job involved looking for waste, which he replied no. However, he explained that if they are conducting certain tests and come across fraudulent activities he is required to report it to the City Commission.

Comr. Sobel followed up with several questions he asked Mr. Ariza to determine the type of auditing they conducted to include risk analysis and performance audit, which Mr. Ariza stated that they were tasked to perform a financial audit for the City, but the firm does provide performance audit. Nevertheless, upon conducting the audit they do take a risk-based approach.

Comr. Sobel asked about the indication on Page 113 that there is a very high debt service for the CRA's. There is a 38% debt service for the northwest CRA and the east is 44%, which Mr. Ariza confirmed that is correct.

Comr. Sobel asked about the contingency liabilities (lawsuits) reporting by the auditing firm, which Andrew Jean-Pierre reported the amount to be approximately \$15 million.

Mr. Ariza asked if the lawsuits are probable that the City will experience the loss of one case that is approximately \$14 million with the County. Mr. Ariza indicated that had they received the probable loss information it would have been accounted for, nevertheless, he will have to go back to check on it. Therefore, if it was not accounted for it is possible it is not a probable loss.

Mr. Jean-Pierre explained that the City has a process to analyze and communicate with the City's attorneys for all claims to determine the probable loss to the City. In response to Comr. Sobel's question regarding the total amount the City has paid out in lawsuits over a period of years, Mr. Jean-Pierre responded that for the fiscal year 2016, the City paid \$3.4 million, which is mostly for workers comp.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Presentation be ACCEPTED. The motion carried by the following vote:

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

Meeting went into Recess

Meeting Reconvened

QUASI-JUDICIAL PROCEEDING

NOTE: Mark E. Berman, City Attorney, advised that item 12 is listed under Quasi-Judicial Proceeding and is quasi-judicial in nature; therefore, anyone who wishes to testify must be sworn in and may be subject to cross-examination by the City Commission or any other interested party. The individuals addressing the City Commission must state his or her name, whether he or she has been sworn, and understands the rules which governs these proceedings. Thereafter, Mr. Berman outlined the order in which they would follow: City staff would make its presentation for each item, followed by the applicant or any other person(s) wishing to speak, closing argument, and then Commission's discussion.

Asceleta Hammond, City Clerk, placed under oath all individuals, including staff, addressing the City Commission in the following matters.

13. [17-319](#) P.H. 2017-35: (PUBLIC HEARING 2ND READING)

AN ORDINANCE OF THE CITY OF POMPAÑO BEACH, FLORIDA, ABANDONING A FIVE-FOOT UTILITY EASEMENT LOCATED AT THE CORNER OF SE 28TH AVENUE AND SE 7TH STREET AND COMMONLY KNOWN AS 605 SE 28TH AVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MARCH 28, 2017

(Staff Contact: Maggie Barszewski/Robin Bird)

Robin Bird, Development Services Director, presented the item as a five-foot utility easement located at 605 SE 28th Avenue. The owners wish to erect a pool in the yard. However, the applicant request was granted but was tabled for sixty days. At the December 21, 2016 Planning and Zoning meeting the board unanimously recommended approval with conditions that the request not be placed on the Commission agenda until all comments were received from each service provider or until sixty days from the day of the recommendation for approval, whichever comes first. Teco Gas Company sent staff a letter of no objection for all outstanding comments and letters were received, therefore, staff concluded that the item should move forward with recommendation of approval.

Tom Johnston, 2335 East Atlantic Boulevard, Pompano Beach, FL, stated that they had cleared all the utilities requirements and then Teco Gas discovered there might be a gas line close to the proposed site, which they have eventually cleared to proceed.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Hardin
Moss
Perkins
Sobel
Burrie
Fisher

END OF QUASI-JUDICIAL PROCEEDING

14. [17-294](#) P.H. 2017-36: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING SECTION 155.4303., "STANDARDS FOR SPECIFIC ACCESSORY USES AND STRUCTURES," TO PROVIDE A DEFINITION OF AND STANDARDS GOVERNING LOCATION OF ATHLETIC COURTS OR FIELDS; BY AMENDING SECTION 155.5302, "FENCES AND WALLS," TO PROVIDE STANDARDS FOR FENCING PROVIDED AS PART OF A PERMITTED ATHLETIC COURT OR FIELD; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MARCH 28, 2017

(Staff Contact: Karen Friedman/Robin Bird)

Robin Bird, Development Services Director, presented the item stating staff is proposing a new accessory use or definition of athletic court and field. The intent of the text amendments is to clearly permit athletic courts and fields as accessory use with reasonable standards but limit the impacts on neighboring properties and abutting rights-of-way. Text amendments were unanimously recommended by the Planning and Zoning board at their March 23, 2016 hearing. The ordinance was placed on the agenda but was subsequently tabled a number of times. The ordinance adds setbacks and height limits similar to other accessory structures in residential districts.

Angela Hill, 760 SE 22nd Avenue, Pompano Beach, FL, stated that the last time the item appeared before the Commission it was stricken. However, she had several residents attending the meeting, the last time it came up for discussion, who spoke out in opposition of the change in the zoning code. She complained that she had not received sufficient time that this item was going to reappear on the agenda for discussion. Nevertheless, she argued that there is no reason to change the sports court in the RS-2 zoning. In addition, she stated that the change is being made for one resident of the City, and provided a background of circumstances leading to this proposal. Therefore, she urged the Commission to disapprove the request and explained her reasons. Ms. Hill illustrated some of the challenges this will pose on neighboring property owners should this change be approved.

Tony Hill, 760 SE 22nd Avenue, Pompano Beach, FL, stated that most of the people who attended the last meeting when the item was stricken believed that was the end and they did not have to reappear before the commission. Consequently, some of those residents could not attend this meeting, therefore, he requested if possible the item could be moved to the next agenda to allow for more notice to the people who would be opposing the change.

Mark E. Berman, City Attorney, confirmed that the item was advertised with a stricter advertisement notifying the public of two public hearings. In addition, there are two hearings on the matter; therefore, there will be another opportunity for the public to make their request known to the Commission.

Mr. Hill provided an illustration regarding the current zoning code and the sections that staff is attempting to change, which he argued was inappropriate to allow someone to build a 14-foot-high fence around a sports court whose definition is inaccurate. Therefore, he urged the Commission to vote no for the residents of the City.

Patricia Fahey, 716 Briny Avenue, Pompano Beach, FL, indicated that she lives on Briny and currently enjoys the ocean view in her backyard and cannot envision someone putting up a 14-foot fence to block her view. Consequently, she urged the Commission not to vote for the item.

Michael Skversky, 1630 SW 5th Avenue, Pompano Beach, FL, suggested that the City check into allowing a net like the one used at football games for the goal posts. Those persons with a tennis court could set up the net and at the end of their game the net could be taken down, in respect to the other neighbors. He does not see the point of erecting a fence for this situation.

Delores Bullard, 212 North Flagler Street, Pompano Beach, FL, stated she does not live near the water but supports Ms. Hill's statements, and do not think one individual should change the laws, which is not fair to the other residents in the area.

Mayor Fisher clarified that this is not regarding a wall being built but rather a fence.

Mayor Fisher asked if this change is being done for one individual.

Mr. Bird, responded that there are other properties within the City that have a sports court. He then provided additional information that he considered prior to recommending the change in the zoning code be moved forward.

In response to Comr. Hardin's question, Mr. Bird responded it is not a wall being approved next to a seawall and explained the setbacks from the rear yards and the seawall. A discussion followed regarding the visibility of residents living in the area.

Vice Mayor Burrie indicated that she is still not convinced that this is the answer to having courts in residential neighborhoods. Therefore, she is unsure this will help those people who are not on the water, as well as those on the water. Therefore, she asked what can be done with the current code.

Mr. Bird responded that a tennis court is allowed at zero lot line and build a fence as high as they may desire on the property line with the exemptions currently in the code.

A discussion followed among the Commission and Mr. Bird regarding the current zoning code and what it allows for fencing in the RS-2 zoning. In addition, as requested by Comr. Sobel, Mr. Bird provided a list of benefits for the City should the current code gets changed as proposed. Also, discussed was the circumstances that caused staff to review the need to amend the current code and the subsequent recommendation to amend. In sum the proposed amendment to the code will be more restrictive than the current code in place.

Comr. Hardin explained his reason for asking staff to bring this item back after the lawsuit was settled about the proposal of amending the code. Nevertheless, he indicated that having regulations is better than having none. Therefore, based upon what is in place today and what can be done now, this is a good step for the City, and will support the item.

Thereafter, there was an extensive discussion among the Commission and Mr. Bird on what the current code allows for residential lots as well as the fencing requirements for sports courts.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Hardin
Moss
Burrie
Fisher

No: Perkins
Sobel

15. [17-296](#) P.H. 2017-37: (PUBLIC HEARING 2ND READING)

AN ORDINANCE AMENDING CHAPTER 155, "ZONING CODE," OF THE CODE OF ORDINANCES OF THE CITY OF POMPANO BEACH, FLORIDA, BY AMENDING §155.3501., "TRANSIT ORIENTED (TO)," TO MODIFY REQUIREMENTS AND STANDARDS FOR BUILDING CONFIGURATION AND DESIGN FOR DEVELOPMENT IN THE DISTRICT; BY AMENDING §155.3708., "DOWNTOWN POMPANO BEACH (DP) OVERLAY DISTRICT," TO MODIFY REQUIREMENTS FOR THE DENSITY REGULATING PLAN AND MODIFIED DENSITY STANDARDS AND PROVIDE REQUIREMENTS FOR AREAS THAT FALL WITHIN THE TRANSIT CORE AREA BOUNDARY, AND MODIFYING THE DIMENSIONAL STANDARDS AND USE STANDARDS FOR NEW AND EXISTING DEVELOPMENT LOCATED WITHIN THE DISTRICT AND SUBSTITUTING THE CORRESPONDING DENSITY REGULATING PLAN MAP TO INCLUDE THE TRANSIT CORE AREA BOUNDARY; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

FIRST READING: MARCH 28, 2017

(Staff Contact: Karen Friedman/Robin Bird)

Robin Bird, Development Services Director, presented the item stating that the City's CRA has applied for a text amendment to §155.3501 and §155.3708 of the Code of Ordinances and is subject to the review standards in §155.2402(c). The application requests to revise the Transit Oriented (TO) district building design standards and the following Downtown Pompano Beach Overlay District (DPOD) standards to modify the density regulating a plan to create a transit core, which would not limit density by a maximum standard. It will require all buildings with six or more stories to be designed as a tower topology, create additional design regulations for the tower topology, reduce the minimum unit sizes for residential dwelling units, limit medical uses on the first floor and in certain areas. The proposal further restricts the form of the buildings, limiting the size and bulk allowing residential to be treated as commercial. In addition, the application was reviewed at the December 21, 2016 Development Review Committee and recommended for approval at the January 25, 2017 Planning and Zoning Board meeting.

Max Wemyss, CRA Planner, explained the reasons for requesting the amendment, which the intent is to encourage development in a way that concentrates the development within the core area of the downtown, which is the intent of the zoning district. He then provided an overview of what the changes are.

- There will be maximum heights throughout the district
- There will be maximum lot coverages
- Will introduce limitations on design through the enhanced building standards, which will be in the form of maximum building lengths. Additionally, there will be separation between buildings.
- There will be minimum building breaks along the ground floor. There will be various facades.

- Tower Floor Plate sizes is important. Therefore, for the biggest building within the downtown area, they are imposing a Tower Floor Plate size maximum. For residential and mixed use buildings the size is 32,500 square feet.
- Will reduce the minimum unit size permitted in the district, which is consisting with the Atlantic Overlay District as well as several other downtowns.
- Will amend ground floor uses to no longer permit medical offices within the two mixed-use area of the downtown.

Tony Hill, (see previous address) stated that the item came before the Planning & Zoning Board and it was not a unanimous vote, as three members voted against it. He then provided the various items that those members had discrepancies. Mr. Hill urged the Commission to disapprove the item, as it is a bad idea.

Delores Bullard, (see previous address) inquired about the location of the proposed units. Mr. Bird outlined the area where these would be allowed, which he mentioned is setback from the single-family districts. Notwithstanding, Mr. Bird pointed out that there are plans to have a train station in the area discussed.

Chris Brown, Co-Director, Community Redevelopment Agency (CRA), indicated they are the applicant requesting the zoning change. In response to Ms. Bullard's question, he stated that the units are rental apartments.

Comr. Perkins inquired about what will be done to accommodate existing residents in the area. Mr. Bird responded that there are not a lot of people residing on the sites available for development.

Mr. Brown mentioned the people who reside near the area would be able to walk to the downtown area and enjoy the new life style, to include restaurants and entertainment.

Mayor Fisher indicated that the people living in the area would not be forced to move from the area.

Mr. Brown confirmed that they will protect the single-family homes and they will not be subjected to the zoning requirements.

A discussion followed regarding the most desirable type of housing allowable for the area, to compliment an urban environment, which will make the area more pedestrian friendlier.

Mr. Brown confirmed that this is an initiative for a high-end development. Furthermore, there will be no tax credit housing in this downtown and explained the reasons why.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Ordinance be APPROVED FIRST READING. The motion carried by the following vote:

Yes: Hardin

Moss

Burrie

Fisher

No: Perkins

Sobel

16. [17-302](#) Approval to award Bid L-14-17, Pompano Beach Airpark Extension of Taxiway G, to the lowest responsive, responsible bidder Hardrives of Delray, Inc., in the amount of \$3,608,801.30.
(Fiscal Impact: \$721,760.00, cost share for City)

(Staff Contact: Robert McCaughan/Steve Rocco)

Robert McCaughan, Public Works Director, presented the item stating the item is requesting the Commission to award the bid to the lowest responsive bidder, to shift the taxiway delta laterally towards the City's primary runway. Previously, the Commission approved a joint participation agreement with Florida Department of Transportation (FDOT), who will pay 80% of the project. The airpark plans to borrow their funds from the General Fund to be paid back from the lease payments realized from the tenants.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Approval Request be APPROVED. The motion carried by the following vote:

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

17. [17-298](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE WORK AUTHORIZATION NO. 1 IN THE AMOUNT OF \$597,325 PURSUANT TO THE SERVICE CONTRACT BETWEEN THE CITY OF POMPANO BEACH AND ODYSSEY MANUFACTURING CO. FOR THE WATER TREATMENT PLANT CARBON DIOXIDE SYSTEM REPLACEMENT; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$597,325.00)
(Staff Contact: A. Randolph Brown)

A. Randolph Brown, Utilities Director, presented the item stating this item is the first work authorization with the City's chemical feed system. They are replacing a 33-year-old carbon dioxide system that controls the quality of the water and compliance in the processes.

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, that the Resolution be ADOPTED. The motion carried by the following roll call vote:

Yes: Hardin

Moss

Perkins

Sobel

Burrie

Fisher

Enactment No: RES. No. 2017-205

18. [17-301](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED (1) \$46,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA GENERAL OBLIGATION BONDS FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING, ALL OR IN PART, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS, THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING CERTAIN PUBLIC SAFETY PROJECTS, (2) \$56,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA GENERAL OBLIGATION BONDS FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING, ALL OR IN PART, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS, THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING CERTAIN PARKS, RECREATION AND LEISURE PROJECTS, AND (3) \$77,000,000 AGGREGATE PRINCIPAL AMOUNT OF CITY OF POMPANO BEACH, FLORIDA GENERAL OBLIGATION BONDS FOR THE PRINCIPAL PURPOSE OF FINANCING OR REIMBURSING, ALL OR IN PART, TOGETHER WITH OTHER LEGALLY AVAILABLE FUNDS, THE COST OF ACQUIRING, CONSTRUCTING, EQUIPPING, RENOVATING, REPLACING AND IMPROVING STREETS, SIDEWALKS, BRIDGES AND STREETSCAPING PROJECTS, IN EACH CASE, AS MORE FULLY DESCRIBED HEREIN, AND SUBJECT TO THE BOND REFERENDUM HEREIN PROVIDED FOR AND SUBSEQUENT PROCEEDINGS OF THE CITY COMMISSION OF THE CITY, SUCH BONDS TO BE PAYABLE FROM THE FULL FAITH AND CREDIT AND UNLIMITED AD VALOREM TAXING POWER OF THE CITY; PROVIDING FOR AND CALLING A BOND REFERENDUM OF THE QUALIFIED ELECTORS OF THE CITY TO BE HELD ON AUGUST 8, 2017; PROVIDING FOR OFFICIAL BALLOTS; PROVIDING FOR BOND REFERENDUM PROCEDURES; PROVIDING FOR OTHER MATTERS AND GENERAL AUTHORIZATIONS IN CONNECTION WITH THE FOREGOING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALING CLAUSES; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

(Staff Contact: Suzette Sibble)

Commissioner Hardin, seconded by Vice Mayor Burrie, made a motion, that the Resolution be STRICKEN. The motion carried unanimously.

19. [17-278](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A LETTER AGREEMENT TO RETAIN THE LAW FIRM OF GREENSPOON MARDER, P.A. TO SERVE AS BOND COUNSEL; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: Maximum \$86,000.00)

TABLED FROM MARCH 14, 2017

(Staff Contact: Suzette Sibble)

Commissioner Hardin, seconded by Vice Mayor Burrie, made a motion to remove the item from the table. The motion carried unanimously.

Commissioner Hardin, seconded by Vice Mayor Burrie, made a motion, that the Resolution be STRICKEN. The motion carried unanimously.

20. [17-293](#) A RESOLUTION APPROVING AND AUTHORIZING THE PROPER CITY OFFICIALS TO EXECUTE A CONTRACT FOR SALE AND PURCHASE BETWEEN POMPANO BEACH LODGE #1898, BENEVOLENT AND PROTECTIVE ORDER OF ELKS OF THE UNITED STATES OF AMERICA, INC. F/K/A POMPANO BEACH ELKS CLUB, INC. AND THE CITY OF POMPANO BEACH FOR THE PURCHASE OF PROPERTY LOCATED AT 700 NE 10TH STREET; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: \$5,500,000.00)

(Staff Contact: Gregory P. Harrison)

Commissioner Hardin, seconded by Vice Mayor Burrie, made a motion, that the Resolution be STRICKEN. The motion carried. unanimously.

21. [17-306](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING _____ TO THE GOLF ADVISORY BOARD OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF GARY RUDERMAN, ALTERNATE #2; SAID TERM TO EXPIRE ON JULY 1, 2019; PROVIDING AN EFFECTIVE DATE.
(Fiscal Impact: N/A)

APPLICANTS:

Mike DeBerry - District 3

Des Frazier - District 4

Corey Thompson - District 4

Richard Sasso - City of Lighthouse Point

(Staff Contact: Ascelela Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Moss, that the Resolution be TABLED. The motion carried unanimously.

22. [17-307](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **TOM MCMAHON** TO THE HISTORIC PRESERVATION COMMITTEE OF THE CITY OF POMPANO BEACH, TO FILL THE UNEXPIRED TERM OF BARBARA ARMBRISTER-BOYNTON, ALTERNATE #2; SAID TERM TO EXPIRE ON JUNE 13, 2018; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Claudia Mazzocchi - District 1

Jacqueline Reed - District 2

Tom McMahon - District 3

John Way - District 3 Carmen

Jones - District 4 Jazzmann

LeSane - District 4

Marguerite K. Luster - District 4

Mona Silverstein - District 5

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Vice Mayor Burrie, to insert the name TOM MCMAHON and that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2017-206

23. [17-308](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING **ALICE CHATTMAN** TO THE RECYCLING AND SOLID WASTE COMMITTEE OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF COLLEEN MURPHY, ALTERNATE #1; SAID TERM TO EXPIRE ON NOVEMBER 26, 2018; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Alice Chattman - (Alternate #2) - District 4

Mary Antoine - District 1

Keith Haag - District 1

Claudia Mazzocchi - District 1

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Sobel, seconded by Vice Mayor Burrie, to insert the name Keith Haag, as well as Commissioner Hardin nominated to insert the name Alice Chatman. The Resolution was ADOPTED inserting the name ALICE CHATMAN. The motion carried by the following vote:

Yes: Hardin

Moss

Burrie

Fisher

No: Perkins

Sobel

Enactment No: RES. No. 2017-207

24. [17-309](#) A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF POMPANO BEACH, FLORIDA, APPOINTING MICHAEL A. FRANKLIN TO THE GENERAL EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF POMPANO BEACH TO FILL THE UNEXPIRED TERM OF ROBERT S. MOGAVERO; SAID TERM TO EXPIRE ON DECEMBER 16, 2017; PROVIDING AN EFFECTIVE DATE.

(Fiscal Impact: N/A)

APPLICANTS:

Raymond Nies - District 1

Phillip Smith - District 1 Edith

Kappler - District 1 Pamela G.

Moore - District 2

George M. Abraham - District 3

Kenneth A. Campbell - District 3

Susan M. Gingerich - District 5

Michael A. Franklin - City of Fort Lauderdale

(Staff Contact: Asceleta Hammond)

A motion was made by Commissioner Hardin, seconded by Commissioner Sobel, to insert the name MICHAEL A. FRANKLIN and that the Resolution be ADOPTED. The motion carried unanimously.

Enactment No: RES. No. 2017-208

F. REPORTS

City Manager Gregory Harrison – Update on Internal Auditor Position – City Manager Harrison reported that the internal auditor position is advertised in the Government Jobs.com, Government Finance Officers Association, International City County Management Association, Information Systems Audit and Controls Association, Institute of Internal Auditors, Institute of Management Accountants, and Sun Sentinel.

Auditing Report – Mr. Harrison pointed out that there were no financial statement or single audit grant findings from the new auditor, and in addition, this will be the fifth year in a row that statement has been provided to the City. He said the City has a great financial staff, Suzette Sibble, Andrew Jean-Pierre and staff have done a great job.

Ribbon Cutting of Cultural Arts Center – Mr. Harrison announced that the Cultural Arts Center is due to have a ribbon cutting on April 21, 2017, therefore, he asked the Commission to save that date. The time of the event will be forthcoming.

City Attorney Mark E. Berman – Commission Request for Closed Session – City Attorney Berman indicated that tonight was the first time he heard about a request for a closed session in a litigation between the County, City and CRA. He pointed out that the requirements under the Florida Statutes for meetings of private entities in public are very limited and specific. Section 286.011 Chapter 8, Florida Statutes requires the City Attorney, as the entity's attorney, to advise the City Commission that he is seeking or desiring advice concerning the litigation first. If a commissioner wants a meeting, the City Attorney will advise he wants to get the Commission's advice. However, the statutes is specific about "The subject matter of the meeting shall be confined to these things, either settlement negotiations or strategy sessions related to litigation expenditures," and not anything else, for example the bills, the history and so forth.

Mr. Berman indicated that as per Jamie Cole attorney representing the CRA and the City for this purpose, there are depositions set towards April or May, of the Bank. Trial session will be in September, otherwise, there are no other matters. Should a commissioner requires a copy of bills, he would provide them, and anything else that he/she might desire.

Comr. Sobel indicated that he had thought since the Commission had expressed a desire for a shade meeting at the last CRA meeting that request had been communicated to the City Attorney, with regard to a strategy session. In addition, he had requested personally for some added information. Nevertheless, he would wait until the time or speak with Mr. Berman about his individual issues.

Mr. Berman responded that the information from the CRA meeting was not communicated to him but he will work on the communication. Mr. Berman stated that he would organize to announce a shade meeting at the next Commission meeting.

City Clerk Asceleta Hammond – No Report.

Commissioner Rex Hardin – Recycling and Solid Waste Committee Appointment – Comr. Hardin noted that the alternate #1 position for the Recycling and Solid Waste was appointed and requested that the City Clerk place an item on the next agenda to fill the alternate #2 position.

Commissioner Barry Moss – Broward County Property Appraiser Event at the Skolnick Center – Comr. Moss reported that on Tuesday, April 4, 2017 at 7:00 p.m. the Broward County Property Appraiser, Marty Kiar will be hosting an event at the Skolnick Civic Center for residents to discuss with his staff to determine qualification of additional homestead discounts. All ages are welcome with an emphasis on senior citizens that may not be aware of available deductions.

Commissioner Beverly Perkins – Visitation Event at Hopewell Baptist Church – Comr. Perkins announced that last Friday, Governor Rick Scott and the Secretary of Housing, Ben Carson attended an event at Hopewell Baptist Church, which was a very nice event. She indicated that she hoped more people from the Community could have attended the event.

Northwest Empowerment Meeting – Comr. Perkins reminded everyone that there will a northwest empowerment meeting on Wednesday, April 5, 2016 at 5:30 p.m. at the E. Pat Larkins Community Center, 520 Rev. Dr. Martin Luther King Boulevard, for those residents who want to come and provide their input regarding the Community Redevelopment Agency (CRA) or ask questions on the CRA.

Commissioner Michael Sobel – Memorial Park Sign – Comr. Sobel stated that he saw City staff installing the new sign for Sergeant Christopher Reyka memorial park, which made him happy to see the City honoring him. Again, he expressed thanks to Sgt. Reyka's family.

Broward County Property Appraiser Education Outreach – Comr. Sobel indicated that last night, the Broward County Property Appraiser Marty Kiar attended the Pompano Beach Economic Development Council meeting and reminded and educated everybody on tax exemptions. He especially encouraged those senior citizens over 65 and have lived in their homes for over 25 years and who are unaware of additional homestead exemptions that they could qualify for additional Broward County real estate tax exemption.

Ali Jam Session Event – Comr. Sobel thanked everyone who attended the "Ali Jam Session." He enjoyed the artwork of Will Simpson that was on display, as well as the local artists, poets, and musicians. The open-air facility is great; however, he would desire to see an awning or a canopy to assist whenever there is rain.

Cypress Creek Homeowners' Association – Comr. Sobel thanked the Cypress Creek Homeowners' Association for a great turn out, to include the attendance of former Mayor/City Commissioner Kay McGinn. The residents had many good questions, as well expressed excitement of what is happening in the City of Pompano Beach. He is inspired to continue working with the community.

Broward Sheriff Office (BSO) High User Fee – Comr. Sobel thanked Brian Donovan, Assistant City Manager for the information he provided regarding the BSO high user fee. Staff has indicated that this is a good potential for future revenues and future special projects for BSO. In the Memorandum of March 13, 2017, staff indicated that they will continue to work with BSO to pull call data, as well as they are continuing to investigate the feasibility of establishing excessive use fees for law enforcement services to those who can pay for it. In sum, Comr. Sobel indicated that he looks forward to receiving follow-up information from staff.

Use of Golf Course – Comr. Sobel stated that he has received numerous communications regarding the golf course, as well as he has learnt how much money it has been costing the City. He indicated that according to the Memorandum received from staff from the year 2012 to 2016 the golf course has operated at a loss of \$11,450,600. A larger portion of the money is for expenses exchanging hands between the City and some departments to include reuse of water and wastewater charges. In addition, Comr. Sobel stated that there are over \$3 million of tax dollars that were spent at a loss, trying to maintain the golf course over the last five years.

In sum, Comr. Sobel indicated that in addition to the golf course not up to par it is costing the taxpayers “a fortune” to maintain it. Therefore, if the golf course was shut down the savings could pay for the reconstruction of the Pompano Beach pier project. Therefore, Comr. Sobel made a motion to shut down all the operations of the Pompano Beach golf course effective immediately.

The motion dies for lack of a second.

Comr. Sobel requested that staff present to the Commission, If not done before, or if there is available information, alternatives that are available with regard to use of the golf course that would not be a constant drain on the taxpayers. Therefore, he wanted to know if the Commission could get some recommendations or investigations through the City Manager for that.

Mayor Fisher responded that he is unsure that the Commission could support that.

Contact City Commission – Comr. Sobel indicated that anyone who wishes to contact him can email him at Michael.sobel@copbfl.com and encourage every person within the city to contact him with any issues of concerns small or large to present it to the Commission or send an email to all the commissioners to include him.

Vice Mayor Charlotte Burrie – Vice Mayor Burrie indicated that all members on the Commission represents the City of Pompano Beach as well as individual districts. Therefore, for one commissioner to tell the entire City to contact him as opposed to their local commissioner is “kind of a slap in the face” to the rest of the members.

Golf Course Issue – Vice Mayor Burrie indicated that with regard to the golf course, perhaps Comr. Sobel could have met with the City Manager and find out the history with the golf course first prior to bringing the item up at this time.

Mayor Lamar Fisher – City Historian – Mayor Fisher noted that the City had an official City historian, Bud Garner, who passed away several years ago, and the City has not had an official historian since then. Therefore, he asked for the Commission’s support to appoint Hazel Armbrister to become the next City historian. The consensus of the Commission was to move forward with Mayor Fisher’s suggestion to appoint Hazel Armbrister as the City’s next historian, if Ms. Armbrister would accept the position.

Will Simpson Art Work – Mayor Fisher thanked Will Simpson, who is a Parks and Recreation employee and one of the local artists that has incredible talent as an artist. His work is colorful and patriotic at times. Therefore, anyone who is interested in Mr. Simpson’s art may contact the representative at the Ali Building, located at 33 NW 3rd Street, Pompano Beach, FL 33060.

Habitat for Humanity Event – Mayor Fisher thanked Reverend Robert Stanley of Hopewell Baptist Church, for opening his facility for the Habitat for Humanity event, which was great. Some of the persons that attended were City Commissioners, Governor Rick Scott, Secretary of HUD Ben Carson, and International President of Habitat for Humanity. He thanked everybody who participated in this event.

Finley's Restaurant Opening – Mayor Fisher indicated that there was a great opening at Finley's. He said it was refreshing to see the ownership's excitement to be in Pompano Beach. Although Comr. Moss had a conflict with time, he did stop by to get some food.

Article on Wi-Fi – Mayor Fisher indicated that there was an article in the Sun Sentinel regarding Wi-Fi. They did not mention the City of Pompano Beach, but they mentioned other cities to include Hallandale getting Wi-Fi. However, Mayor Fisher noted that the City of Pompano Beach has had Wi-Fi in City Hall and the Commission Chambers since 2008. The Beaches has Wi-Fi since 2015 and all the community centers and EOC have been getting that service since then.

Harbor Village Shoppes Parking – Mayor Fisher asked about parking at the Harbor Village Shoppes, where the entire parking lot was redone to include locating the Foundry in the vicinity. He was told that only two hours parking is allowed in the area for a 24-hour period. Therefore, if someone parks for lunch, say at the Foundry, then leaves within the two hour limit and returns but wanted to park for an additional two hours, then they would be subjected to receiving a ticket. This is not an ideal arrangement for businesses in the area. Therefore, Mayor Fisher requested that City Manager Harrison speak with Dennison Parking to find out the facts regarding this arrangement.

National Poetry Competition – Mayor Fisher announced that Sharonda Chery, who recently has been working with the CAC, represented Pompano Beach in a National Poetry competition and finished in the elite 14 women poets in the world. He read the following information, "Women of the World, Dallas Texas, March 15-18, 2017." Ninety-six poets, six countries represented, to include the United States, Canada, United Kingdom (UK), Nairobi, Kenya, and South Africa. Mayor Fisher offered congratulations to Ms. Chery for the first time competing and finishing fourteen in the world.

ICMA Award to City Manager – Mayor Fisher congratulated City Manager Harrison for being selected as a finalist in the Lite Run Euro Campaign sponsored by the ICMA and he will be receiving a letter of certificate.

Security Cameras – Mayor Fisher stressed the need to obtain cameras for the illegal dumping areas. There is a dire need for this, which he provided an example, when he left home in the morning for work and on SE 3rd Street and 11th Avenue there, is nothing but when he returned later in the afternoon; an entire apartment of furniture was on the side of the road. Somebody must have seen something. There is a need for installation of the cameras for the chronic areas where illegal dumping continues to take place.

Gregory Harrison, City Manager mentioned that the cameras are on order.

G. ADJOURNMENT

The meeting was adjourned at 11:48 p.m.

Lamar Fisher, Mayor

Asceletha Hammond, City Clerk